

Assembly Bill No. 1533

CHAPTER 193

An act to amend Sections 19000, 19011, 19090, 19092, 19462, and 19469 of the Welfare and Institutions Code, relating to rehabilitation services.

[Approved by Governor August 12, 2001. Filed with
Secretary of State August 13, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1533, Migden. Rehabilitation services.

Existing law establishes the Rehabilitation Revolving Loan Guarantee Fund, administered by the Department of Rehabilitation, to be used to guarantee loans made by eligible lenders to eligible persons for the purchase of vans, automobiles, and other special equipment to facilitate transportation of the physically handicapped. Existing law also establishes the Supported Employment and Adaptive Technology Revolving Loan Guarantee Account within the fund to assist private employers and employees with disabilities to purchase durable equipment, adaptive aids, and assistive devices.

This bill would establish a borrower's interest rate in accordance with a specified formula and would require the interest on these loans to be prepaid by the department to the participating lender out of the Supported Employment and Adaptive Technology Revolving Loan Guarantee Account, and if the borrower defaults on any loan guaranteed by this program, the participating lender would be required to reimburse the department for any interest not accrued, after deduction for any unavoidable loss suffered by the lender.

Existing law prohibits any loan in excess of \$20,000 to be made to any eligible person under the above provisions.

This bill would increase the maximum loan amount from \$20,000 to \$35,000.

Existing law establishes the State Rehabilitation Advisory Council to advise and assist the Director of Rehabilitation in carrying out certain vocational rehabilitation provisions.

This bill would rename this entity the State Rehabilitation Council and would make various technical, nonsubstantive changes.

The people of the State of California do enact as follows:

SECTION 1. Section 19000 of the Welfare and Institutions Code is amended to read:

19000. (a) The Legislature finds and declares as follows:

(1) Work is a valuable and important activity, both for individuals and society, and fulfills the need of an individual to be productive, promotes independence, enhances self-esteem, and allows for participation in the mainstream of life.

(2) Disability is a natural part of human experience and in no way diminishes the capacity of individuals to live independently, enjoy self-determination, make choices, contribute to society, pursue meaningful careers, and enjoy inclusion and integration in the economic, political, social, cultural, and educational mainstream of society.

(3) As a group, individuals with disabilities experience staggering levels of unemployment and poverty.

(4) Increased employment of, and independent living for, individuals with disabilities can be achieved by providing individualized training, independent living services, educational and support services, and meaningful opportunities for employment in integrated work settings with reasonable accommodations.

(5) Individuals with disabilities, including individuals with the most severe disabilities, have demonstrated their ability to achieve gainful employment in integrated settings if appropriate services and supports are provided.

(6) The provision of vocational rehabilitation services can enable individuals with disabilities, including individuals with the most severe disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities.

(b) The purpose of this division is to assist the Department of Rehabilitation in operating comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation and independent living that are designed to assess, plan, develop, and provide services for individuals with disabilities, particularly individuals with the most severe disabilities, consistent with their strengths, resources, priorities, concerns, abilities, and capabilities, so that these individuals may prepare for and engage in gainful employment and live more independently.

(c) The Department of Rehabilitation's vocational rehabilitation and independent living programs shall be consistent with the national policy toward people with disabilities articulated in the Americans with Disabilities Act of 1990 (Public Law 101-336) and the Rehabilitation Act Amendments of 1998 (Public Law 105-220).



(d) It shall be the goal of the Department of Rehabilitation to provide individuals with disabilities with the tools necessary do all of the following:

- (1) Make informed choices and decisions.
- (2) Maximize employment, independence, and economic and social self-sufficiency in the mainstream of society.
- (3) Achieve equality of opportunity and inclusion and integration into all aspects of society.

(e) The Department of Rehabilitation's vocational rehabilitation and independent living programs, projects, and activities shall be carried out in a manner consistent with the following principles:

- (1) Respect for individual dignity, personal responsibility, self-determination, and pursuit of independent living and meaningful careers, based on informed choice of individuals with disabilities.
- (2) Respect for the privacy, rights, and equal access of individuals with disabilities, including, but not limited to, the use of accessible formats.
- (3) Individuals with disabilities, including individuals with the most severe disabilities, shall be generally presumed to be capable of engaging in gainful employment, and the provision of individualized vocational rehabilitation services can improve their ability to become gainfully employed.
- (4) Promotion of independence, inclusion, integration, and full participation of individuals with disabilities.
- (5) Individuals with disabilities shall be provided the opportunities to obtain competitive employment in integrated settings.
- (6) Individuals with disabilities shall be active participants in their own rehabilitation programs, including, but not limited to, making meaningful and informed choices about the selection of their vocational goals and objectives and the vocational rehabilitation services they receive.
- (7) Support for the involvement of a parent, a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs that support.
- (8) Individuals with disabilities and their advocates are full partners in the vocational rehabilitation and independent living programs and shall be involved on a regular basis and in a meaningful manner with respect to policy development and implementation.
- (9) Qualified vocational rehabilitation counselors, and other qualified personnel facilitate the accomplishment of the employment and independent living goals and objectives of an individual.
- (10) Accountability measures must facilitate and not impede the accomplishment of the goals and objectives of the department's



programs, including providing vocational rehabilitation and independent living services to, among others, individuals with the most severe disabilities.

SEC. 2. Section 19011 of the Welfare and Institutions Code is amended to read:

19011. The people of the state accept the provisions and benefits of the act of Congress entitled “The Rehabilitation Act Amendments of 1998 (Public Law 105-220) and any subsequent amendments thereto.

SEC. 3. Section 19090 of the Welfare and Institutions Code is amended to read:

19090. (a) Pursuant to federal law, there is a State Rehabilitation Council, that shall advise and assist the director in carrying out the vocational rehabilitation provisions of this division.

(b) The membership of the council shall be appointed by the Governor and shall be composed of the representatives specified in Section 725 of Title 29 of the United States Code.

SEC. 4. Section 19092 of the Welfare and Institutions Code is amended to read:

19092. (a) The functions of the State Rehabilitation Council and the State Independent Living Council and terms of appointment of the members thereof shall be governed by Chapter 16 (commencing with Section 701) of Title 29 of the United States Code.

(b) Members of the councils described in subdivision (a) shall be reimbursed for the actual costs of reasonable and necessary expenses, including child care and personal assistance services, incurred when attending council meetings and or performing council duties. In addition, any member who is unemployed or who is required to forfeit wages from other employment shall be compensated one hundred dollars (\$100) per day for each day the member is engaged in attending council meetings and or performing duties of the council.

(c) The director, in consultation with the councils, shall provide necessary staff support and assistance for the respective councils to carry out their functions.

SEC. 5. Section 19462 of the Welfare and Institutions Code is amended to read:

19462. The department shall serve as a state loan guarantee agency to guarantee loans and to administer a guaranteed loan program established pursuant to this article. The department shall guarantee any loan made pursuant to this article at 100 percent of the total amount of principal and interest of the loan in default. The department shall establish the ratio of reserve funds to loans outstanding. The effective interest rate to the borrower shall be a percent per annum, which is less than the fair market interest rate at the time the loan guarantee request



is considered by the department, and which is based upon the ability of the borrower to pay, as determined by the department. When an application for a loan guarantee is approved by the department, the differential interest between the percent per annum approved by the department and the rate charged by the participating lender shall be prepaid by the department to the participating lender out of the Supported Employment and Adaptive Technology Revolving Loan Guarantee Account. If the borrower defaults on any loan guaranteed by this program, the participating lender shall reimburse the department for any interest not accrued, after deduction for any unavoidable loss suffered by the lender.

SEC. 6. Section 19469 of the Welfare and Institutions Code is amended to read:

19469. No loan in excess of thirty-five thousand dollars (\$35,000) shall be made to any eligible person under this article.

